THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.23744 OF 2004

DATED: 30-7-2007

Between:

The General Manager, Singareni Collieries Company Limited, Bellampalli Division, Bellampalli, Adilabad District.

.. Petitioner

and

The Central Vice President (Sri B.Gangaram) Singareni Collieries Workers Union, Secunderabad and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.23744 OF 2004

-

ORDER:

This writ petition is directed against an award, dated 17.11.2003, passed in I.D.No.263 of 2002 on the file of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad.

It appears, a workman of the petitioner-company had suffered ill health and was declared medically unfit to hold the post of Mining Sardar 'C' grade. Consequently, he was provided with alternative employment under 'E' grade. But, his salary was not protected as per Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short 'the Act'). As such, the 1st respondent raised a dispute, being I.D.No.263 of 2002, before the 2nd respondent- Central Government Industrial Tribunal-cum-Labour Court, Hyderabad, seeking protection of salary of the workman.

It was the case of the petitioner-management before the Labour Court that it has an exemption from implementing the provisions of the Section 47 of the Act and, therefore, the workman is not entitled for protection of his last drawn pay, on his appointment into alternative post.

The Labour Court, after detailed consideration of the matter, held that the petitioner-management obtained the exemption in the year 2003, whereas the workman was declared medically unfit and was provided with alternative employment in the year 1996, and, therefore, the exemption would not apply to the case of the workman. Accordingly, an award was passed holding that the workman is

entitled for protection of wages. Aggrieved by the same, the management preferred the present writ petition.

There is no necessity of going into all the details.

In W.A.No.1929 of 2002 and Batch preferred by the management, wherein a similar question arose for consideration of this Court, the Division Bench of this Court, by a Common Judgment dated 09.06.2006, upheld the orders passed by the learned Single Judge and directed the management to consider the case of the writ petitioners therein under Section 47 of the Act and pass orders in accordance with law. The review petition, being Review W.A.M.P.No.2089 of 2006, preferred by the management stating that the Government, vide G.O.Rt.No.78 dated 14.03.2006, has exempted it from implementing the provisions stipulated under Section 47 of the Act, and, therefore, there is no necessity for it to follow the provisions of Section 47 of the Act, was also dismissed on 09.04.2007. In view of the same, this writ petition is also liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

C.V. RAMULU, J

30th July, 2007.
IBL